

REMARKS

The office action of January 25, 2005, has been carefully considered.

It is noted that claims 14-19, 21 and 27 are rejected under 35 U.S.C. 102(b) over French reference 2,149,173.

Claims 14-17, 19, 21 and 27 are rejected under 35 U.S.C. 102(b) over the patent to Ito.

Claim 20 is rejected under 35 U.S.C. 103(a) over FD '173.

Claim 18 is rejected under 35 U.S.C. 103(a) over Ito in view of the patent to Shinomiya et al.

Claim 20 is rejected under 35 U.S.C. 103(a) over Ito.

It is respectfully submitted that the claims presently on file differ essentially and in an unobvious, highly advantageous manner from the constructions disclosed in the references.

Turning now to the references, and particularly to FD '173,

it can be seen that this reference discloses a wire cutter. This reference has nothing to do with high speed, flying shears for transversely separating strip, as recited in the claims presently on file. In FD '173 the object is to provide a simple construction for cutting the wire stump which is traveling at high speed. The knife shafts have two travel shoulders that unroll eccentrically to each other. These eccentric shoulders cause the swing arms to intermittently move toward and away from each other. A spring package 21 is provide to hold the swing arms together so that the knife shafts are pretensioned against each other. The large gap between the knife shafts that is induced by the eccentricity can cause the rod 19 to jam. From then on the swing arms remain separated in this position. The travel shoulders dislodge and move toward each other. Only in the position of the greatest distance between the knife shafts do the travel shoulders start to move toward one another again. Only in this position can the latch 22 also be unlocked. Thus, there is no disclosure of a "separately controllable adjusting device. A specific position is always given, on which the adjusting device can only be activated. This is because in the presently claimed invention only one of the drums is mounted on a rocker or swing. In FD '173 both drums are mounted in rockers. In FD '173 the knife is moved for cutting via the eccentric on the knife shaft. A separate drive for carrying

out the cut, as recited in the presently claimed invention, is not disclosed by FD '173.

In view of these considerations it is respectfully submitted that the rejection of claims 14-19, 21 and 27 under 35 U.S.C. 102(b), and the rejection of claim 20 under 35 U.S.C. 103(a) over the above-discussed reference are overcome and should be withdrawn.

The patent to Ito discloses a rotary drum type flying shear machine. Ito teaches a cutter that sits on a drive M1 that drives the knife to a rotational speed that corresponds to the strip speed. The motor M2 drives the upper knife for cutting via eccentrics. For each cut the motor must be activated and after the cut it must be stopped. In the presently claimed invention, on the other hand, the cutting movement is carried out continuously. Only there is to be a cut are the support elements shortened. The next cutting movement of the drive 12, 13 then carries out the cut. In this way it is possible to obtain higher speeds during cutting. The entire starting and stopping of the motor and the upper rocker, which are very time-consuming, are avoided.

In view of these considerations it is respectfully submitted that the rejection of claims 14-17, 19, 21 and 27 under 35 U.S.C. 102(b), and the rejection of claim 20 under 35 U.S.C. 103(a) over the above-discussed reference are overcome and should be withdrawn.

The patent to Shinomiya et al. discloses a splitter apparatus. The Examiner combined this reference with Ito in determining that claim 18 would be unpatentable over such a combination. Applicant respectfully submits that a combination of these references does not teach the features of the presently claimed invention as discussed above in connection with Ito and the rejection of independent claim 14. The combination at the very least does not teach or suggest shortenable support elements for the rockers, and an adjusting device for the supports.


In view of these considerations it is respectfully submitted that the rejection of claim 18 under 35 U.S.C. 103(a) over a combination of the above-discussed references is overcome and should be withdrawn.

Reconsideration and allowance of the present application are respectfully requested.

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Any additional fees or charges required at this time in connection with this application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,

By 

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**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450, on May 25, 2005.

By:   
Friedrich Kueffner

Date: May 25, 2005